

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

YARON KWELLER,

Plaintiff,

v.

THE COUNTY OF BROOME, THE CITY OF  
BINGHAMTON, THE BROOME COUNTY DISTRICT  
ATTORNEY'S OFFICE, MICHAEL A. KORCHAK,  
District Attorney, individual capacity, MARK LOUGHRAN,  
Chief Assistant District Attorney, individual capacity,  
ALYSSA CONGDON, Assistant District Attorney,  
individual capacity, AMANDA CRONIN, Assistant District  
Attorney, individual capacity, JEFF J. WAGNER, District  
Attorney Investigator, individual capacity, JOSEPH  
ZIKUSKI, Binghamton Police Department Chief, individual  
capacity, CORY MINOR, Binghamton Police Department  
Captain, individual capacity, AMANDA MILLER,  
Binghamton Police Department Investigator, individual  
capacity, JOHN DOES 1-10, representing Broome County  
District Attorneys Office and Police Department Employees  
Whose Names Are Currently Unknown, HAILEY  
DEMKOVIK, and SAMANTHA HERCEG,

Defendants.

Civil Action No.:  
3:24-cv-01328 (AJB/ML)

**NOTICE OF MOTION**

Motion By:

Defendant Jeff J. Wagner.

Time and Place of Hearing:

Returnable before the Hon. Anthony J. Brindisi,  
U.S. District Judge, at the United States District  
Courthouse in Utica, New York.

Relief and Basis:

Defendant Wagner respectfully requests an Order  
pursuant to Federal Rule of Civil Procedure  
12(b)(6) dismissing Plaintiff's Complaint in its  
entirety with prejudice, together with such other and  
further relief as the Court may deem just and proper.


Supporting Papers:

Memorandum of Law.

Dated: May 15, 2025

Respectfully submitted,

**HANCOCK ESTABROOK, LLP**

By:   
James J. O'Shea, Esq. (Bar Roll #516403)  
Lillian A. Pfhol, Esq. (admission pending)  
Erica L. Masler, Esq. (Bar Roll #703595)  
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To: All counsel of record via CM/ECF